IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3408 OF 2004

Ashok S.Pimple .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.S.U.Dhakephalkar for the applicant.
Mr.A.S.Gadkari APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 1ST SEPTEMBER, 2004

P.C.:

. Heard Mr.Dhakepalkar,learned counsel for the applicant and Mr.Gadkari, learned A.P.P. for the respondent.

2. This application is filed by the applicant for being released on bail in C.R.No.215/2002 registered at L.T.Marg police station mainly under section 302 of Indian Penal Code. The applicant and five others are alleged to have committed murder of Tukaram Gole on 27.10.2002 at about 3.30 pm. I have perused the statements of all the eye witnesses, namely, Sunita Tukaram Gole, Sunil Tukaram Gole, Ajay Keshav Solanki and Sanjay Yeshwant Govale. Mr.Dhakepalkar, learned counsel

for the applicant submits that it is clear from their statements that though the applicant was named by them he did not assault the deceased. All the witnesses have specifically stated that Madrasi persons assaulted the deceased with wooden plank on his head. Admittedly, the present applicant was not known as Madrasi. Out of four male assailants, three were Madrasis. Moreover, the post mortem report shows that the deceased sufferred only two wounds on his head. Keeping that in view and considering the overall facts and circumstances of the case I am inclined to enlarge the applicant on bail. The apprehension expressed by the prosecution that since the applicant does not have permanent address he is likely to abscond and would not be available for trial, can be taken care of by imposing conditions.

. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.25,000/- with one or two local sureties of the like amount to the satisfaction of the trial court, subject to the condition that he shall report the concerned police station on every Wednesday and Saturday between 6 pm and 7 pm for a period of six months and thereafter on every Saturday between 6

pm and 7 pm until the conclusion of his trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)